

REMARKS

The rejection of claims 1-3 and 8-14 under 35 U.S.C. §103(a) as being unpatentable over Applicant's admitted prior art (APA) in view of Murai et al. (U.S. 6,862,059), is traversed, and reconsideration and withdrawal of the rejection are respectfully requested.

Irrespective of the Examiners contentions, Applicants note that Murai et al. (U.S. 6,862,059) has a U.S. filing date of May 19, 2003. The present application, having a U.S. filing date of July 30, 2003, claims priority for Japanese Application No. 2002-221607, filed in Japan July 30, 2002, the certified copy of the priority document having been submitted in this application on August 19, 2003. Thus, it is apparent that Murai et al. is not properly utilized in rejecting claims of this application in that the U.S. filing date of Murai et al. of May 19, 2003, is subsequent to the priority date of this application, which is July 30, 2002. Applicants note that Applicants are in the process of obtaining a verified English translation of the priority document and intend to submit the same in the near future so as to overcome the utilization of Murai et al. in a manner set forth in MPEP §201.15. Thus, Applicants submit that the rejection, as set forth by the Examiner should now be overcome.

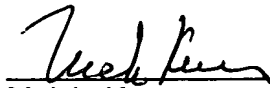
Applicants further submit that irrespective of the Examiners contentions concerning the combination of APA and Murai et al., such contentions are improper in the sense of 35 U.S.C. §103 are that the combination fails to provide the recited features of the independent and dependent claims of this application such that all claims patentably distinguish over such proposed combination.

For the foregoing reasons, Applicants submit that all claims present in this application should be considered allowable and an action of a favorable nature is courtesy solicited.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 500.42963X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

A handwritten signature in dark ink, appearing to read 'Melvin Kraus', is written over a horizontal line.

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